

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

IN RE: Bair Hugger Forced Air Warming
Products Liability Litigation

MDL No. 15-2666(JNE/FLN)

This Document Relates:

Gauthier v. 3M Co., et al. (18-cv-00572)

**PLAINTIFF'S RESPONSE IN OPPOSITION TO
DEFENDANTS' MOTION TO DISMISS**

NOW COMES Plaintiff Kim Gauthier in the above-captioned matter, and submits this Opposition to Defendants' Motion to Dismiss for Failure to Comply with PreTrial Order No. 14 [Dkt. 1463], and by and through the undersigned counsel, along with the Declaration of Kristine Kraft, Esq. Plaintiff respectfully shows the Court the following:

Plaintiff Kim Gauthier alleges that she developed a serious infection and was forced to undergo treatment of the same as a result of the use of a Bair Hugger Forced Air Warming Blanket during an orthopedic surgery. Plaintiff's medical records confirm that a Bair Hugger device was used during the original surgery.

Plaintiff filed her action on March 1, 2018. This case was listed on Defendants' Motion to Dismiss for Failure to Comply with Pretrial Order No. 14 filed on September 6, 2018. Plaintiff's counsel has worked diligently with Ms. Gauthier to complete her Plaintiff Fact Sheet. Throughout numerous communications, Plaintiff's counsel obtained the information necessary to complete Plaintiff's PFS. However, the final steps of

completing the PFS with respect to obtaining Plaintiff's signed documentation in support of the PFS was interrupted by unexpected complications, including what the undersigned understands to consist of apparent health complications combined with Plaintiff apparently moving to another location. For several weeks, counsel has worked diligently to reach Plaintiff in order to obtain her signed verification and authorization, but has been unable to establish contact.

Under the circumstances, Plaintiff requests the Court to grant Plaintiff an additional thirty (30) days from the entry of a Court Order in which to provide Defendants' with a completed PFS, including the signed verification and authorization in support of the PFS and to deny Defendants' Motion.

Dated: September 13, 2018

Respectfully submitted,

/s/ Kristine K. Kraft
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CERTIFICATE OF SERVICE

This is to certify that on September 13, 2018 a copy of the foregoing Plaintiff's Opposition to the Defendants' Motion to Dismiss was served on all parties via the Court's CM/ECF filing system.

Respectfully submitted,

/s/ Kristine K. Kraft
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